



NEWS

Judicial Council of California
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SUMMARY OF CASES ACCEPTED DURING THE WEEK OF JUNE 12, 2000

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#00-66 People v. Brandt, S087352. (A079118.) Unpublished opinion. Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in In re Jorge M., S074270 (#99-3) and Kasler v. Lockyer, S069522 (#98-66), which concern, respectively, the mens rea of the crime of possession of an assault weapon and the constitutionality of the Roberti-Roos Assault Weapons Control Act.

#00-67 FirstAmerica Automotive, Inc. v. Sweeney, S087894. (H019813; 79 Cal.App.4th 1207.) Petition for review after the Court of Appeal reversed an order denying a petition to compel arbitration. This case concerns whether Labor Code section 229, which provides that an action for unpaid wages may be brought by an employee before the Labor Commissioner without regard to the existence of an arbitration agreement, is preempted by the Federal Arbitration Act. The court ordered briefing deferred pending decision of the United States Supreme Court in Circuit City Stores, Inc. v. Adams, 99-1379.

#00-68 People v. Flugham, S087381. (C030529.) Unpublished opinion. Petition
(over)

for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in People v. Metters, S069442 (#98-70) and People v. Cleveland, S078537 (#99-94), which concern whether a juror may be properly removed for refusing to deliberate and follow the law.

#00-69 Lopez v. Vovos, S087380. (B125934.) Unpublished opinion. Petition for review after the Court of Appeal affirmed a judgment of nonsuit in a civil action. The court ordered briefing deferred pending decision in Saelzler v. Advanced Group 400, S085736 (#00-37), which concerns the proper standard for determining whether there is a triable issue as to whether the failure of a property owner to provide security was a contributing cause of an injury sustained as a result of a crime committed on the premises and whether the required element of causation may be proved through expert testimony.

#00-70 People v. Smith, S088387. (B129442; 79 Cal.App.4th 1136.) Petitions for review after the Court of Appeal modified and affirmed judgments of conviction of a criminal offense.

#00-71 People v. Valentine, S087446. (B109409; 78 Cal.App.4th 719, mod. 79 Cal.App.4th 719c.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses.

In Smith, the court limited review to the issue whether the People, without having raised the issue in the trial court, may seek correction of the error on appeal when the trial court has imposed a restitution fine but has failed to impose a parole revocation restitution fine in the proper amount. (See Pen. Code, §§ 1202.4, 1202.45.) In Valentine, the court ordered briefing deferred pending decision in Smith.

DISPOSITIONS

#98-48 Landau v. Superior Court, S068095, was dismissed and remanded to the Court of Appeal. The opinion of the Court of Appeal, originally printed at 60 Cal.App.4th 940 was ordered republished.

The following cases were dismissed and remanded to the Court of Appeal:

#99-5 Shahhal v. Medical Board, S075141.

#99-25 Driss v. State Medical Board, S075575.

#99-192 Lockyer v. Superior Court, S083149.

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